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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,413	10/16/2001	Otis F. Brown	9D-EC-19899/064853.031	6275

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EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/981,413	Applicant(s) BROWN ET AL.	
	Examiner Linda Krisciunas	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a Final Office Action in response to the applicant's amendment filed February 16, 2006. Claims 1-16 are pending. Amendments have been made to claims 1 and 9.

Response to Amendments

2. The Examiner notes the amendments to claims 1 and 9 and has addressed these in the rejection below.

Response to Arguments

3. The examiner has fully considered the Applicant's arguments, but they are deemed not persuasive. Gabbita teaches an algorithm, which would require programming, which contains pre-defined task prioritization for expedited and jeopardy order as noted in column 10, lines 6-8. Also, as noted in column 2, lines 8-13, the system automatically determines the cause of the delay by monitoring all the activities and can take action to minimize the delay.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gabbita et al (US 6,937,993).

As per claim 1 and 9, Gabbita teaches a computerized method for managing and communicating information regarding an order of goods among a group of teams responsible for performing tasks through designated personnel that, when successfully performed, allow for fulfilling an order within a requested delivery date (See Figure 1C, Figure 2 and column 3, lines 53-65. Figure 1C shows an order system (136) being computerized (138) and communicating to the LSP staff (139) and the construction group (144) who will install the goods and notifies the LSAT of its completion so that the order is monitored at all times for delivery completion as noted in column 2, lines 8-13) comprising: storing order data in a database (column 4, lines 51-52), the order data including at least one identifier (column 6, lines 34-42: where the LSAT coordinates and tracks the order which indicates that there is an identifying feature to the system) associating a respective order to a respective customer (column 6, line 28: work order, where work orders contain customer information, such as a customer number), the order data includes a delivery date for the order (column 9, lines 23-28: delivery date); gathering in the database the progress of the order relative to the requested delivery date (column 16, lines 61-67: history file data: records the details of the activities and events that occur as the order moves through the system which allows for reports on order processing.); storing a set of rules that determines the potential cause of impeding the order progress relative to its delivery date (column 2, lines 37-39: monitors each work step and notifies pending work. The system in turn notifies the people: column 2,

lines 64-67 and column 3, lines 1-5 teach users log onto their stations and there is notice of work and who is responsible), the rules being programmed to automatically assign an order and predefined corrective action (column 2, lines 8-13: the cause of delay is determined and the corrective action is sent. See also column 9, lines 29-41: where the LSAT prioritizes the scheduling and determines the order in which the activities should be completed using work plans and scheduling algorithms. An algorithm is programmed and therefore the assignment of work is automatic since it is based upon the programmed algorithm. The status labels of "expedite" and "jeopardy" have defined action steps associated with them in the algorithm to keep the order on schedule, as noted in column 10, lines 6-8: "scheduling algorithm".) to selected personnel in a team, based in part on the impending order progress and (column 2, lines 38-39: notifies of pending work and column 2, lines 64-67 and column 3, lines 1-5 where users log onto their stations and there is notice of work and who is responsible); and processing the data relative to the rules for performing the automated assignment (column 2, lines 8-13: the cause of delay is determined and the corrective action is sent. See also column 9, lines 29-41: where the LSAT prioritizes the scheduling and determines the order in which the activities should be completed using work plans and scheduling algorithms. An algorithm is programmed and therefore the assignment of work is automatic since it is based upon the programmed algorithm. The status labels of "expedite" and "jeopardy" have defined action steps associated with them in the algorithm to keep the order on schedule, as noted in column 10, lines 6-8: "scheduling algorithm") of the order and predefined corrective action (column 10, lines 6-8:

“scheduling algorithm” which is a defined set of instructions in the algorithm, (which means it would have to be pre-defined if it’s in the algorithm) for prioritizing the tasks associated with the “expedited” or “jeopardy” orders.) to the selected personnel in the event lack of progress is determined (column 2, line 30: workflow step and column 11, lines 6-7); and triggering a message to notify the personnel of the assignment of the order and predefined corrective action (column 2, lines 38-39: notifies of pending work and column 2, lines 64-67 and column 3, lines 1-5 where users log onto their stations and there is notice of work and who is responsible).

As per claim 2 and 10, Gabbita teaches the message includes a link for accessing the database through an interface including detailed information regarding the status of the order (column 5, lines 18-21 and column 15, lines 26-27).

As per claim 3 and 11, Gabbita teaches the interface comprises a web page including a target date for performing the corrective action (column 2, lines 65-67 (120) and column 3, lines 1-8 where users can log on via an intranet or the like (which is equivalent to a web page) and receive progress data and who is responsible and determine information about the delay before it becomes critical. Therefore, the target date would be right before it becomes critical.).

As per claim 4 and 12, Gabbita teaches the web page includes a data field for recording actions taken by the personnel to remove the lack of order progress (column 11, lines 45-46 and column 18, lines 44-47).

As per claim 5 and 13, Gabbita teaches the web page includes a data field for recording comment data regarding the status of the order and/or actions taken to remove the lack of order progress (column 11, lines 34-35: history file).

As per claim 6 and 14, Gabbita teaches the rules are configured to assign a lack of progress severity rating based in part on continuing lack of progress beyond a fix completion date (column 9, lines 29-33 "status" and escalation (217)).

As per claim 7 and 15, Gabbita teaches the rules include a set of escalation rules for progressively assigning corrective actions to higher levels of supervisory personnel (column 18, lines 34-47: If Jeopardy points are not completed on time the item is placed in a Jeopardy state and will initiate a Jeopardy Escalation process whereby authorized users (deemed equivalent to supervisory personnel) reassign the work to another resource and the process repeats if the timing is not met.) based on a lack of progress severity ratings assigned to a respective order (escalation (217) and column 10, lines 3-5: color coding as means for indicating severity/escalation).

As per claim 8 and 16, Gabbita teaches the teams are selected from the group of: order entry team (column 19, lines 55-56 (302) and lines 32-37 (310)), goods availability team (column 20, lines 26-27 (318)) and goods delivery team (column 22, line 43-44).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about work flow management: Harris Jr et al (US 6,144,975), Tsuiki et al (US 5,940,829), Davis et al (US 5,870,545), Hsu et al (US 5,581,691), Du et al (US 5,826,239), and Goodridge et al (US 5,799,297).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

LMK
March 8, 2006

Susanna M. Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
Au 3623